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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,533	03/31/2004	Mark Earl Plutowski	080398.P585	9996
8791 7590 03/17/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
VIG, NARESH				
ART UNIT		PAPER NUMBER		
3629				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,533

Applicant(s)

PLUTOWSKI ET AL.

Examiner

NARESH VIG

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 20050705
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 36 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As currently claimed it is not clear:

whether user request is ever fulfilled by the claimed invention

is web service the service requested service by the user, or, it is the programmatic interface using standard protocol, or, is it some common thread between programs, etc.

is the user a person making a request using a computer system, or, is the user as user device used by a person to make their request, and, applicant's claimed invention will program said user device to fulfill said person's request

Appropriate correction is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto US Publication 2003/0046119 in view of Nakagawa US Patent 7,266,376.

Regarding claims 1, 13, 25, 29 and 33, as best understood by examiner, Yamamoto teaches a computerized apparatus, system and method with the capability for:

receiving a user request [Yamamoto, 0090, Fig. 1, Fig. 7 and disclosure associated with the Figures]

identifying a plurality of Web Services to be performed according to the user request (user requesting movie ticket downloaded to user device requires server of movie theater involved; user requesting direction requires GPS and Map services server to be involved etc.) [Yamamoto, 0090, Fig. 1, Fig. 7 and disclosure associated with the Figures]; and

Yamamoto does not explicitly recite generating, from the plurality of Web Services, a Web Service composition expressed in a business process modeling language incorporating exception handling. However, Nakagawa teaches providing

information to mobile user device based on the preference of the user. Nakagawa teaches capability for providing plurality of Web Services from plurality for servers based on current status of the user [Nakagawa, Fig. 1, 4, 9 and disclosure associated with the Figures] Yamamoto in view of Nakagawa teaches concept for providing to the user device information in the format used by the user device (**i.e. translating from server format to the user device format**) (Yamamoto teaches providing movie tickets, making payments, providing directions etc). **Even though Yamamoto in view of Nakagawa does not teach what language it uses to provide web services, it is obvious to one of ordinary skill in the art that Yamamoto uses some language to be able to provide web services to the user over a communication network to be able to make it easy to build sophisticated applications.**

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Yamamoto in view of Nakagawa by using a business process modeling language incorporating exception handling to be able to build sophisticated applications (e.g. Opera, CORBA etc.), apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Yamamoto in view of Nakagawa teaches concept for
a memory;
at least one processor coupled to the memory

machine readable medium having stored thereon computer executable data representing sequences of instructions

means for identifying a plurality of Web Services to be performed according to the user request; and means for generating, from the plurality of Web Services, a Web Service composition expressed in a business process modeling language incorporating exception handling.

Regarding claims 2 and 14, Yamamoto in view of Nakagawa teaches capability for executing the expressed Web Service composition in a business process modeling language execution engine.

Regarding claims 3, 15, 26, 30 and 34, Yamamoto in view of Nakagawa can be modified and implemented with any one of Business Process Execution Language for Web Services (BPEL4WS), Business Process Modeling Language (BPML), and Web Service Choreography Interface (WSCI).

Regarding claims 4, 16, 27, 31 and 35, as responded to earlier, Yamamoto in view of Nakagawa teaches capability wherein the plurality of Web Services can be provided by a plurality of devices.

Regarding claims 5, 17, 28, 32 and 36, Yamamoto in view of Nakagawa teaches capability wherein the plurality of Web Services can be provided by a plurality of web sites [Nakagawa, Fig. 1 and disclosure associated with the Figure].

Regarding claims 6 and 18, Yamamoto in view of Nakagawa teaches capability for determining constraints and preferences associated with the user request.

Regarding claims 7 and 19, Yamamoto in view of Nakagawa teaches capability wherein the expressed composite Web Service can be generated using automated planning.

Regarding claims 8 and 20, Yamamoto in view of Nakagawa teaches capability for developing a planning domain associated with the business process modeling language; creating a plan based on a specification of the planning domain; and translating the plan into the Web Service composition expressed in the business process modeling language (Yamamoto, user's itinerary for the day which is created and managed).

Regarding claims 9 and 21, Yamamoto in view of Nakagawa teaches capability for developing an abstract service domain (ASD); generating a first plan based on a specification of the ASD; translating the first plan into a second plan created based on a specification of a second domain associated with the business process modeling

language; and translating the second plan into the Web Service composition expressed in the business process modeling language [Nakagawa, Fig. 9 and disclosure associated with the Figure].

Regarding claims 10 and 22, Yamamoto in view of Nakagawa teaches capability wherein the ASD can be developed based on input of a domain expert.

Regarding claims 11 and 23, Yamamoto in view of Nakagawa teaches capability wherein the first plan can be generated using a hierarchical task network (HTN) planner.

Regarding claims 12 and 24, as responded to earlier, Yamamoto in view of Nakagawa teaches capability for developing an abstract service domain (ASD); converting the ASD to a second domain associated with the business process modeling language; obtaining a plan based on a specification of the second domain; and translating the plan into the Web Service composition expressed in the business process modeling language [Nakagawa, Fig. 9 and disclosure associated with the Figure].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Frank Sommers article A Birds-eye view of Web Services
2. Brescia US Patent 7,068,189

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 15, 2009

/Naresh Vig/
Primary Examiner, Art Unit 3629